IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.13885 of 2002

Dated: 12-07-2007

Between:

1. Smt. Pasala Veera Raghavamma (died)
   rep. by her legal representative,
2. G. Venkata Rama Raju, s/o Seetarama Raju.

... Petitioners

and

1. The Agent to Government/District Collector,
   West Godavari,
   Eluru and another.

... Respondents

ORDER:

Questioning the order dated 22-07-2002 passed in S.R.A.No.1 of 2002 by first respondent – Agent to Government, West Godavari, Eluru and the order dated 15-02-2001 passed in S.R.No.2053 of 2000 by second respondent – Special Deputy Collector, K.R. Puram, the present writ petition has been filed stating that it is contrary to the provisions of APSALT Regulation 1 of 1959 as amended by Regulation 1 of 1970.

2. Facts, in brief, are: Petitioner No.1 is the absolute owner of the land in an extent of Acs.6-06 cents in R.S.No.627 situated at Buttaigudem village and Mandal, West Godavari District. After commencement of Land Transfer Regulation 1 of 1959 as amended by 1 of 1970, a complaint was filed by the Special Deputy Tahasildar, K.C. Puram, before second respondent under Section 3(2)(a) of the Regulations in S.R.No.240/84, and second respondent after conducting the enquiry passed an order on 29-10-1990 for restoration of the land in favour of first petitioner after ejecting one Karatam Venkata Ramachandra Rao. Against the said order, though an appeal lies before first respondent, no appeal has been filed and as such the said order passed by second respondent became final. Subsequently, after commencement of Estates (Abolition and Conversion into Ryotwari) Act, 1948, first petitioner approached the Settlement Officer, Eluru for issuance of ryotwari patta in respect of the land in question,
who rejected her claim vide order in S.R.No.653/77, dated 31-08-1977. Assailing the said order, first petitioner preferred an appeal before the Director of Settlements, Hyderabad, who after conducting an enquiry granted ryotwari patta in favour of her on 09-02-1998. Against the said order, no appeal/revision is preferred and as such, the order passed by the Director of Settlements, Hyderabad has become final. Be that as it may, in 2000, the Special Deputy Tahsildar (Tribal Welfare) filed another complaint before second respondent in S.R.No.2053/2000 against first petitioner and second respondent without considering the material, passed an ejectment order on 15-02-2001. Against the said order, she preferred an appeal before the Director of Settlements, in A.P.No.25/97,
who dismissed the appeal on the ground that she has not filed the

order dated 09-02-1998. Aggrieved thereby, first petitioner approached this Court and filed the present writ petition and during pendency of the writ petition as she died, second petitioner was added as her legal representative.

3. A counter affidavit is filed on behalf of respondents wherein it is stated that as per the latest adangal extract and as deposed to by the Village Administrative Officer, it is revealed that one Gottumukkala Ramaraju is the enjoyer of the land in an extent of Acs.6-06 cents in R.S.No.627 and hence, it is concluded that there was transfer of land from first petitioner to the said Ramaraju, which is contrary to Regulation 1 of 1970.

4. Heard learned counsel for the parties.

5. May be it is true that the land is being cultivated by the said Ramaraju, but from that alone it cannot be said that there is alienation particularly when petitioners contention is that the said Ramaraju is the farm servant of first petitioner. As first petitioner happens to be a woman she employed him and with his assistance only she is cultivating the land in question. Further, when first petitioner gave a report to the Station House Officer, Buttaigudem Police Station, she has categorically stated that she is the absolute owner of the land in question and even the Mandal Revenue Officer in his letter, dated 10-09-2003 to the Station House Officer, Buttaigudem has clearly stated that first petitioner, Pasala Veera Raghavamma, is the owner of the land in an extent of Acs.6-06 cents in R.S.No.627. Except stating that Ramaraju is in possession of the land in question, which is hit by Regulation 1 of 1970, respondents, in fact, have not produced any material to establish the fact that there is alienation by first petitioner in

favour of the said Ramaraju. Hence, this Court is of the view that it cannot be said that the land is sold. It is nothing but natural at any place to employ farm servants to attend to agricultural operations and when the landowner is a lady, it is in fact necessary to have the services of a farm servant. Hence, it cannot be concluded that there is alienation by first petitioner in favour of the said Ramaraju and thus first petitioner had contravened the Regulation 1 of 1970.

6. Accordingly, the writ petition is allowed and the order dated 22-07-2002 passed in S.R.A.No.1 of 2002 by first respondent and the order dated 15-02-2001 passed in S.R.No.2053 of 2000 by second respondent, are set aside. No costs.

However, if the authorities have any material to establish that there is alienation by first petitioner either in favour of the said Ramaraju or in favour of third parties, definitely it is open for them to initiate proceedings as required under the provisions of Regulation 1 of 1970.

JUSTICE GOPALAKRISHNA TAMADA

Dt.12-07-2007
GLV